

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,  
DAYTON, OHIO.

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L E T T E R

FROM

THE SECRETARY OF WAR,

TRANSMITTING

PAPERS RELATING TO CERTAIN JUDGMENTS AGAINST THE  
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS AT  
DAYTON, OHIO.

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JANUARY 22, 1902.—Referred to the Committee on Appropriations and ordered to be  
printed.

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WAR DEPARTMENT,  
*Washington, January 21, 1902.*

SIR: I have the honor to transmit herewith papers relative to certain judgments against the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, with indorsed report of the president of the Board of Managers as to their status, dated January 17th instant.

Very respectfully,

ELIHU ROOT,  
*Secretary of War.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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UNITED STATES SENATE,  
*Washington, D. C., January 13, 1902.*

SIR: I inclose papers relative to certain judgments rendered against the National Military Home, Dayton, Ohio, with the request that you kindly ask the Board of Managers for the Homes to make an immediate report as to the justness of the claims. I desire to make provision for their payment in one of the appropriation bills soon to come before the Senate. Any steps that you may be able to take toward hurrying this matter will, I assure you, be very highly appreciated by me.

Respectfully,

J. B. FORAKER.

THE SECRETARY OF WAR,  
*Washington, D. C.*

[First indorsement.]

NEW YORK, *January 17, 1902.*

Respectfully returned to the honorable the Secretary of War.

The suits upon which the judgments within referred to were rendered were defended, but the decree of the court in the several cases having been against the Home, the claims are acknowledged to be legitimate. The Home has no funds available for their payment, and the inclusion of the necessary amount in the proper appropriation bill, as suggested by Senator Foraker, is respectfully recommended.

M. T. McMAHON,  
*President Board of Managers  
National Home for Disabled Volunteer Soldiers.*

[Second indorsement.]

WAR DEPARTMENT,  
INSPECTOR-GENERAL'S OFFICE,  
*Washington, January 18, 1902.*

Respectfully returned to the honorable the Secretary of War.

As these claims are admitted by the president National Home for Disabled Volunteer Soldiers to be legitimate, it is respectfully recommended that the necessary funds may be requested to be included in an appropriation for their payment, as suggested by Senator J. B. Foraker, United States Senate.

C. H. HEYL,  
*Lieutenant-Colonel, Inspector-General,  
Acting Inspector-General.*

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HOUSE OF REPRESENTATIVES,  
*Washington, D. C., February 7, 1901.*

DEAR SIR: Inclosed find several judgments against the National Military Home, Dayton, Ohio. This account was not received in time to get it in the appropriation bill in the House. At the request of Messrs. Young & Young, attorneys, of Dayton, Ohio, I write to ask you to try and have it put in the Senate appropriation bill.

Very truly, yours,

JOHN L. BRENNER.

Hon. J. B. FORAKER,  
*United States Senate, Washington, D. C.*

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DAYTON, OHIO, *February 23, 1901.*

DEAR SIR: Your letter of February 15, relating to the claims of our clients against the Soldiers Home at Dayton, was duly received.

We owe you an apology for not acknowledging its receipt sooner. Our excuse is that at the time of its arrival we were busily engaged in a jury trial, which has continued until to-day. We are certainly greatly obliged to you for your kind attention to our matter. You have certainly done everything which could be done to assist us in securing an appropriation.

Knowing as we do how busy you are, we hesitate to trespass further upon your time in the matter. It does seem to us, however, that the fact that our claims are based upon judgments duly rendered in court against the Home ought to be sufficient evidence that the claims are all right.

It may be by this time the president of the Board of Managers has made a report to General Sewell, and that the Committee on Appropriations has found it satisfactory and will recommend the appropriation. If not, and you think they will be of any

use, we can send you several letters in our possession from Colonel Thomas and General Anderson indicating their willingness to have the appropriation made.

We note your statement that in case of a favorable report by the Board of Managers "money will be paid sooner or later—this year if received in time; if not, next year."

We sincerely hope that the appropriation may not be deferred until next year. As evidencing the need which our clients have for the money and the difficulties which we have in explaining to them why it is not collected, we venture to inclose herewith for your perusal two letters from different clients. Thanking you again for your kindness, and regretting the necessity of causing you any further annoyance about it, we are,

We hope that no offense will be taken at our clients' apparent lack of respect for Congressional "red tape."

Very truly, yours,

YOUNG & YOUNG.

HON. JOSEPH B. FORAKER,

*United States Senator, Washington, D. C.*

DAYTON, OHIO, *February 3, 1901.*

MESSRS. YOUNG & YOUNG:

Is there any prospect of getting that money? Mr. Icenberger has not worked any for four weeks. He has been very ill. Do you know what a loss four weeks is to a man who has no income but his labor? I don't know what to do. I have studied over everything, and have concluded to ask you to advance me a small sum. I am so ashamed to ask this of you, but I do not know what else to do. You are surely positive that you will get this money from the Home. Then, what risk would you run in letting me have some money, to be repaid to you out of our share? Please do this for me, Mr. Young, for you can imagine that we are in dreadful straits to ask this of you. My husband joins me in the request. Hoping that you will grant our request, we remain,

Respectfully, yours,

ALEX. B. ICENBERGER.

MRS. LIDA ICENBERGER.

DAYTON, OHIO, *February 16, 1901.*

MESSRS. YOUNG & YOUNG:

I wish to call your attention to the cases against Military Home. I have never bothered you by writing, but you must confess it is an unusual thing to get judgment and then wait a year to collect it. I know all the circumstances; that Uncle Sam is not responsible to any plain citizen, and all that, but I can not understand why lawyers of your standing should undertake a case so entirely hopeless as this seems to be. There is surely some way out, and I hope you will put on your thinking cap and give your clients the benefit. The dear knows they have been patient enough. I think the defendant needs some advertising to let people know just how an institution may treat people, and there is no redress. As for waiting on Congress, we may wait, I think, till our hair grows gray. There are thousands of cases as just as ours, which are pigeonholed at Washington, which will never be heard from. Please let me hear from you at your earliest convenience.

Respectfully,

MRS. MINNIE WOLF,

*152 Parker Avenue, City.*

Proceedings before the court of common pleas within and for the county of Montgomery, and State of Ohio, at the January term thereof, A.D. 1900, begun and held at the court-house in the city of Dayton on the 8th day of January, A. D. 1900, Hon. O. B. Brown, presiding.

In the record of the proceedings had by and before said court on the 29th day of January, 1900, among other things the following judgment and decree:

NEIL OVERHOLZER, PLAINTIFF,

*v.*

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,  
defendant.

} Entry No. 17659.

This day came the parties herein, by their attorneys, also came the following-named persons as jurors, to wit, Jacob Kunz, Edward D. Murray, Henry L. Sigle, Wm. H. Rench, W. A. Heidinger, Fred Deaner, C. G. McMillan, Samuel Bailey, John M. Bacon, S. E. Haas, D. A. Hoffman, and Wm. Brodrup who were duly

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impaneled and sworn according to law, and thereupon the case came on for hearing on the pleadings and evidence. And after hearing the evidence, argument, and charge of the court the jury retired to their room in charge of the sheriff for deliberation.

And now comes said jury into open court with their verdict in writing signed by their foreman, and say:

VERDICT.

We, the jury, upon the issues joined between the parties in the case, do find for the plaintiff, and do assess his damages against the defendant by reason of the premises in the sum of (\$250) two hundred and fifty dollars.

W. H. RENCH, *Foreman*.

Thereupon said jury was discharged from further consideration of this cause. It is therefore considered by the court that the plaintiff recover from the defendant the sum of \$250 and costs, herein taxed at \$—, to all of which defendant, by its attorney, excepts.

STATE OF OHIO, *Montgomery County*, ss:

I, Charles W. Bieser, clerk of the court of common pleas within and for the county and State aforesaid, do hereby certify that the foregoing judgment and decree was truly taken and correctly copied from the journal of said court. And further that no error or appeal has been prosecuted from same, and that same is still in full force for the sum of \$250, with interest at 6 per cent from date, and costs taxed at \$47.15.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of Dayton, Ohio, this 18th day of January, 1901.

[SEAL.]

CHARLES W. BIESER, *Clerk*.  
By GUS BECKER, *Deputy*.

Proceedings before the court of common pleas, within and for the county of Montgomery and State of Ohio, at the January term thereof, A. D. 1900, begun and held at the court-house in the city of Dayton, on the 8th day of January, A. D. 1900. Hon. O. B. Brown, judge, presiding.

In the record of the proceedings had by and before said court on the 29th day of January, 1900, among other things the following judgment and decree:

ALEXANDER B. ICENBERGER AND ELIZA ICENBERGER, PLAINTIFFS,

v.

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,  
defendant.

} Entry No. 17935.

This day came the parties herein, by their attorneys; also came the following-named persons as jurors, to wit, Jacob Kunz, Edward D. Murray, Henry L. Sigle, Wm. H. Rench, W. A. Heidinger, Fred Deaner, C. G. McMillen, Samuel Bailey, John M. Bacon, S. E. Haas, D. A. Hoffman, and Wm. Brodrup, who were duly empaneled and sworn according to law; and thereupon the case came on for hearing on the pleadings and evidence.

And after hearing the evidence, argument, and charge of the court the jury retired to their room in charge of the sheriff for deliberation.

And now comes said jury into open court with their verdict in writing, signed by their foreman, and say:

VERDICT.

We, the jury, upon the issues joined between the parties in this case, do find for the plaintiffs, and do assess their damages against the defendant by reason of the premises in the sum of (\$300) three hundred dollars.

C. G. McMILLEN, *Foreman*.

Thereupon said jury was discharged from further consideration of this cause.

It is therefore considered by the court that the plaintiffs recover from the defendant the sum of \$300 and costs, herein taxed at \$13.54, to all of which the defendant, by its attorney, excepts.

STATE OF OHIO, *Montgomery County*, ss:

I, Charles W. Bieser, clerk of the court of common pleas within and for the county and State aforesaid, do hereby certify that the foregoing judgment and decree was truly taken and correctly copied from the journal of said court. And further that no error or appeal has been prosecuted from same, and that same is still in full force



for the sum of \$300, with interest at 6 per cent from date, and costs taxed at \$13.54.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of Dayton, Ohio, this 18th day of January, 1901.

[SEAL.]

CHARLES W. BIESER, *Clerk.*  
By GUS BECKER, *Deputy.*

Proceedings before the court of common pleas within and for the county of Montgomery and State of Ohio, at the January term thereof, A. D. 1900, begun and held at the court-house in the city of Dayton, on the 8th day of January, A. D. 1900, Hon. O. B. Brown presiding.

In the record of the proceedings had by and before said court on the 29th day of January, 1900, among other things the following judgment and decree:

DAVID WEST, PLAINTIFF,	}	Entry No. 17969.
<i>v.</i>		
THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, defendant.		

This day came the parties herein by their attorneys, also came the following-named persons as jurors, to wit, Jacob Kunz, Edward D. Murray, Henry L. Sigle, Wm. H. Rench, W. A. Heidinger, Fred Deaner, C. G. McMillan, Samuel Bailey, John M. Bacon, S. E. Haas, D. A. Hoffman, and Wm. Brodrup, who were duly empaneled and sworn according to law, and thereupon the case came on for hearing on the pleadings and evidence.

And after hearing the evidence, argument, and charge of the court, the jury retired to their room in charge of the sheriff for deliberation. And now comes said jury into open court with their verdict in writing, signed by their foreman, and say:

#### VERDICT.

We, the jury, upon the issues joined between the parties in this case, do find for the plaintiff, and do assess his damages against the defendant, by reason of the premises, in the sum of (\$300) three hundred dollars.

C. G. McMILLAN, *Foreman.*

Thereupon said jury was discharged from further consideration of this cause. It is therefore considered by the court that the plaintiff recover from the defendant the sum of \$300 and costs herein, taxed at \$—, to all of which the defendant, by its attorney, excepts.

STATE OF OHIO, *Montgomery County, ss:*

I Charles W. Bieser, clerk of the court of common pleas within and for the county and State aforesaid, do hereby certify that the foregoing judgment and decree was truly taken and correctly copied from the journal of said court. And further that no error or appeal has been prosecuted from same, and that same is still in full force for the sum of \$300, with interest at 6 per cent from date, and costs taxed at \$10.65.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of Dayton, Ohio, this 18th day of January, 1901.

[SEAL.]

CHARLES W. BIESER, *Clerk.*  
By GUS BECKER, *Deputy.*

Proceedings before the court of common pleas within and for the county of Montgomery and State of Ohio, at the January term thereof, A. D. 1900, begun and held at the court-house, in the city of Dayton, on the 8th day of January, A. D. 1900, Hon. O. B. Brown, judge, presiding.

In the record of the proceedings had by and before said court on the 29th day of January, 1900, among other things the following judgment and decree:

MINNIE G. WOLF, PLAINTIFF,	}	Entry, No. 18001.
<i>v.</i>		
THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, defendant.		

This day came the parties herein, by their attorneys; also came the following-named persons as jurors, to wit:

Jacob Kunz, Edward D. Murray, Henry L. Sigle, Wm. H. Rench, W. A. Heidinger,

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ger, Fred Deaner, C. G. McMillen, Samuel Bailey, John M. Bacon, S. E. Haas, D. A. Hoffman, and Wm. Brodrup, who were duly empanelled and sworn according to law; and thereupon the case came on for hearing on the pleadings and evidence.

And after hearing the evidence, argument, and charge of the court, the jury retired to their room, in charge of the sheriff, for deliberation.

And now comes said jury into open court with their verdict in writing, signed by their foreman, and say:

VERDICT.

We, the jury, upon the issues joined between the parties in this case, do find for the plaintiff, and do assess her damages against the defendant by reason of the premises in the sum of (\$300) three hundred dollars.

JACOB KUNZ, Sr., Foreman.

Thereupon said jury was discharged from further consideration of this cause.

It is therefore considered by the court that the plaintiff recover from the defendant the sum of \$300 and costs herein, taxed at \$——, to all of which the defendant by its attorney excepts.

STATE OF OHIO, *Montgomery County*, ss:

I, Charles W. Bieser, clerk of the court of common pleas within and for the county and State aforesaid, do hereby certify that the foregoing judgment and decree was truly taken and correctly copied from the journal of said court. And, further, that no error or appeal has been prosecuted from same, and that same is still in full force for the sum of \$300, with interest at 6 per cent from date, and costs taxed at \$12.12.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at the city of Dayton, Ohio, this 18th day of January, 1901.

[SEAL.]

CHARLES W. BIESER, Clerk,  
By GUS BECKER, Deputy.

*The State of Ohio, Montgomery County, to the sheriff of the county of Montgomery:*

We command you that of the goods and chattels of The National Home for Disabled Volunteer Soldiers in your bailiwick you cause to be made two hundred and fifty dollars, which sum Neil Overholzer, lately, to wit: At the January term, A. D. 1900, by the judgment of the court of common pleas, held in and for the county aforesaid, recovered against the said The National Home for Disabled Volunteer Soldiers for its debt and also forty-seven dollars and fifteen cents for costs and charges in that behalf expended, and for want of goods and chattels, that you cause the same to be made of the lands and tenements of the said The National Home for Disabled Volunteer Soldiers, lying in your bailiwick, and have you that money before the court aforesaid, at Dayton, on the 18th day of December, A. D. 1900, to render unto the said Neil Overholzer, and have you there this writ.

Witness my hand and seal of the said court, at Dayton, this 19th day of October, A. D. 1900.

CHAS. W. BIESER,  
Clerk of Court of Common Pleas, *Montgomery County*,  
By GUS BECKER, Deputy.

Received this writ on the 19th day of October, A. D. 1900, at 10 o'clock a. m., and finding no goods or chattels, land or tenements in my county as the property of the said The National Home for Disabled Volunteer Soldiers, the same all being claimed as the property of the United States Government by the governor of said Home, this writ is returned as wholly unsatisfied.

Given under my hand this 18th day of December, A. D. 1900.

WILLIAM C. KERSHNER, Sheriff,  
By LOUIS MEHLBRETH, Deputy.

(Fees, \$2.40.)

STATE OF OHIO, *Montgomery County*, ss.

I, Charles W. Bieser, clerk of the court of common pleas, hereby certify that the foregoing is a true and correct copy of the original execution on file in this office.

Witness my hand and seal of said court at Dayton, this 18th day of January, A. D. 1901.

[SEAL.]

CHARLES W. BIESER, Clerk,  
By GUS BECKER, Deputy.

(Indorsed:) Execution No. 6451, case No. 17659, court of common pleas, Montgomery County. Neil Overholzer, *v.* The National Home for Disabled Volunteer Soldiers. Execution against the property. Judgment, \$250; plaintiff's costs, \$47.15; accruing costs, \$1; clerk, \$0.65; to 18th day of December, 1900. Young & Young, attorneys.

COUNTY CLERK'S OFFICE, MONTGOMERY COUNTY, OHIO,  
Dayton, Ohio, January 18, 1901.

*The National Home for Disabled Volunteer Soldiers to Chas. W. Bieser, county clerk, Dr.*

17659. Neil Overholzer against The National Home for Disabled Volunteer Soldiers .....	\$47.15
17935. Alex. B. Icenberger against The National Home for Disabled Volunteer Soldiers .....	13.54
17969. David West against The National Home for Disabled Volunteer Soldiers .....	10.65
18001. Minnie G. Wolf against The National Home for Disabled Volunteer Soldiers .....	12.12
Execution No. 6451. Neil Overholzer against The National Home for Disabled Volunteer Soldiers .....	4.05
	87.51
Four (4) certified copies of judgment entry (75 cents) .....	3.00
One (1) certified copy of execution No. 6451 .....	.50
Total costs .....	91.01

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